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December 27, 2013

VIA ELECTRONIC FILING

United States Magistrate Judge James Orenstein
United States District Court Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: Phoenix Beverages, Inc. v. ExxonMobil Corp., Case No. 1:2-cv-03771-JKC-JO

Dear Judge Orenstien:

In accordance with this Court's Order at the December 13, 2013 oral argument on Defendants' Motion to Disqualify Plaintiffs' Counsel and this Court's December 13, 2013 Minute Order (Dkt. 336), on December 20, 2013 Defendants Quanta Resources Corporation and ExxonMobil Corporation (collectively "Defendants") served Phoenix Beverages Inc. and its affiliated companies (collectively "Plaintiffs") and DMJ Associates LLC, Cresswood Environmental Consultants and the special purpose entities (collectively the "DMJ Entities") with a letter containing the information Defendants deemed necessary to permit an informed choice as to whether Plaintiffs and the DMJ Entities would continue with concurrent representation by Hunsucker Goodstein PC.

The purpose of this letter is to report to the Court, in accordance with the December 13, 2013 Order, the conclusions that Plaintiffs and the DMJ Entities have reached concerning their decision to continue with Hunsucker Goodstein PC as their counsel. Plaintiffs and the DMJ Entities have received and reviewed Defendants' December 20, 2013 letter, the transcript of the December 13, 2013 oral argument, and this Court's December 13, 2013 minute order. Plaintiffs and the DMJ Entities have also consulted with independent counsel of their choosing to discuss these materials and the issues raised by Defendants.

Following consultation with their independent counsel and review of Defendants' December 20, 2013 letter, the December 13, 2013 oral argument transcript and the Court's December 13, 2013 Order, Plaintiffs and the DMJ Entities have both decided that they wish to continue being represented by Hunsucker Goodstein PC. Plaintiffs and the DMJ Entities have

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also executed updated written acknowledgements of the concurrent representation that: 1) incorporate each client's initial written waiver of any potential conflicts, 2) acknowledge each client's review and consideration of Defendants' December 20, 2013 letter, the December 13, 2013 oral argument transcript and this Court's December 13, 2013 Order, and 3) confirm each client's decision to waive any potential conflicts and continue with Hunsucker Goodstein PC as their counsel. These documents can be provided to the Court for in camera review upon request.

Respectfully submitted,
Hunsucker Goodstein PC

/s/ Stacey H. Myers
Stacey H. Myers